

STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0117731; AI 100324; PER20080001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The permitting authority for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** Wastewater Treatment Utilities, Inc
 Cloverhill Subdivision
 17188 Airline Highway, Suite M-157
 Prairieville, LA 70769

- II. **PREPARED BY:** Rachel Owens

- DATE PREPARED:** July 15, 2008

- III. **PERMIT ACTION:** reissue LPDES permit LA0117731, AI 100324; PER20080001

 LPDES application received: April 25, 2008

 EPA has not retained enforcement authority.

 LPDES permit issued: December 1, 2003
 LPDES permit expires: November 30, 2008

IV. **FACILITY INFORMATION:**

- A. The application is for the discharge of treated sanitary wastewater from a privately owned treatment works serving a residential subdivision.

- B. The permit application does not indicate the receipt of industrial wastewater.

- C. The facility is located on the west side of Barringer Foreman Road, one mile south of Hwy 61 in Baton Rouge, East Baton Rouge Parish.

- D. The treatment facility consists of an extended aerated sewage treatment plant with chlorination.

- E. Outfall 001

Discharge Location: Latitude 30° 21' 30" North
 Longitude 91° 1' 30" West

Description: treated sanitary wastewater

Expected Flow: 90 of homes x 400 gallons/day/home = 0.036 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

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Type of Flow Measurement which the facility is currently using:
V-Notch Weir

V. RECEIVING WATERS:

The discharge is into an unnamed drainage ditch, thence into Ward Creek Diversion Canal in segment 040201 of the Lake Pontchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 040201 of the Lake Pontchartrain Basin are as indicated in the table below^{1/}:

Overall Degree of Support for Segment 040201	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
	Not Supported	Not Supported	Not Supported	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Segment 040201 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 040201 of the Lake Pontchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 27, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public

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hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Ms. Rachel Owens
Water Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:**Final Effluent Limits:**

Subsegment 040201, Bayou Manchac – Headwaters to Amite River, is listed on LDEQ's Final 2006 303(d) List as impaired for ammonia (total ammonia), phosphorus, nitrogen (nitrate + nitrite as N), organic enrichment/low DO, pathogen indicators, chlorides, sulfates and total dissolved solids. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL.

Ammonia, Phosphorus, Nitrogen (nitrate + nitrite as N), Chlorides, Sulfates, and Total Dissolved Solids

Based on the size and nature of this facility, the Department believes that there is little potential for the discharge to cause or contribute to the ammonia, phosphorus, nitrogen, chlorides, sulfates, and TDS impairments of this subsegment. Therefore, no limitations for the above impairments will be required of this facility.

Organic Enrichment/Low DO

To protect against the potential for oxygen consuming pollutants that could cause instream DO problems and for the discharge of organic materials at levels exceeding state water quality standards, BOD₅ limitations have been established in the permit.

Pathogen Indicators

To protect the receiving waterbody against high levels of pathogenic organisms, fecal coliform limitations have been established in the permit.

OUTFALL 001

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD ₅		10 mg/l	15 mg/l	Limits are set in accordance with the Lake Pontchartrain Basin Segment 0402 Areawide Policy for facilities of this treatment type and size.
TSS		15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

Other Effluent Limitations:

1) Fecal Coliform

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5.b.i, the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

2) pH

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

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X. PREVIOUS PERMITS:

LPDES Permit No. LA0117731: Issued: December 1, 2003
Expired: November 30, 2008

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	Report	1/week	Measure
BOD ₅	10 mg/l	15 mg/l	1/month	Grab
TSS	15 mg/l	23 mg/l	1/month	Grab
Fecal Coliform Colonies	200	400	1/month	Grab

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:**A) Inspections**

A review of the files indicates that no recent inspections have been performed.

B) Compliance and/or Administrative Orders

Docket #: WE-CN-09-0306

Date Issued: January 6, 2010

Findings of Fact:

1. The respondent exceeded numerous effluent limitations
2. The respondent failed to measure flow
3. The respondent submitted incomplete or inaccurate DMRs

Order:

1. Take any and all steps necessary to meet and maintain compliance with the permit limitations
2. properly maintain facility
3. adhere to the schedule of activities associated with it sewer rehabilitation project

C) DMR Review

A review of the discharge monitoring reports for the period beginning **April 2006** through **March 2008** has revealed the following violations:

<u>Parameter</u>	<u>Outfall</u>	<u>Period of Excursion</u>	<u>Permit Limit</u>	<u>Reported Quantity</u>
TSS (monthly)	001	April 2006	15 mg/l	24.6 mg/l
TSS (weekly)	001	April 2006	23 mg/l	29.2 mg/l
TSS (monthly)	001	May 2006	15 mg/l	30.9 mg/l
TSS (weekly)	001	May 2006	23 mg/l	57.8 mg/l
TSS (monthly)	001	September 2006	15 mg/l	17.2 mg/l
Fecal (monthly)	001	September 2006	200	2,000
Fecal (weekly)	001	September 2006	400	4,000
BOD (monthly)	001	October 2006	10 mg/l	21.4 mg/l
BOD (weekly)	001	October 2006	15 mg/l	21.4 mg/l
BOD (monthly)	001	November 2006	10 mg/l	34.8 mg/l
BOD (weekly)	001	November 2006	15 mg/l	34.8 mg/l
BOD (monthly)	001	December 2006	10 mg/l	17 mg/l
BOD (weekly)	001	December 2006	15 mg/l	17 mg/l
BOD (monthly)	001	August 2007	10 mg/l	16.4 mg/l
BOD (weekly)	001	August 2007	15 mg/l	16.4 mg/l

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XII. ADDITIONAL INFORMATION:

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

In accordance with LAC 33:IX.2903., this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved.

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between 0.02 and 0.10 MGD.

Effluent CharacteristicsMonitoring Requirements

	<u>Measurement</u>	<u>Sample</u>
	<u>Frequency</u>	<u>Type</u>
Flow	1/week	Measure
BOD ₅	1/month	Grab
Total Suspended Solids	1/month	Grab
Fecal Coliform Bacteria	1/month	Grab
pH	1/month	Grab

XIII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

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Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Wastewater Treatment Utilities, Inc, Cloverhill Subdivision, April 25, 2008.